

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

ESTES INNOVATIVE AND WAREHOUSING,  
A DIVISION OF ESTES EXPRESS LINES, INC.,

*Plaintiff*

v.

HOMETEX DESIGN, INC.,

*Defendant*

CIVIL ACTION  
NO. 05-10036 NG

**AFFIDAVIT OF DAVID S. JONES IN SUPPORT  
OF PLAINTIFF'S REQUEST FOR DEFAULT JUDGMENT**

State of Virginia        }  
County of Richmond    } ss.

David S. Jones, upon oath, deposes and states as follows:

1.       My name is David S. Jones and I am Project Manager of the Plaintiff, Estes Innovative and Warehousing, a Division of Estes Express Lines, Inc. ("Estes"), in this lawsuit. My office is located at Estes' headquarters, 3901 West Broad Street, Richmond, Virginia. I make this affidavit in support of Estes' request for a default judgment against the Defendant, Hometex Design, Inc.

2.       The statements made in this affidavit are true of my own personal knowledge and based upon the books and records kept by Estes in the ordinary course of its business as an interstate motor carrier of property.

3.       My job duties and responsibilities include the responsibility to collect unpaid freight bills owed to Estes, arising from its operations as an interstate motor carrier. I have reviewed Estes'

records with respect to its claim in this lawsuit against Hometex. Those records include the bills of lading and freight bills for the seven (7) shipments of freight that Estes transported for Hometex in interstate commerce between April 2004 and November 2004 as described in paragraphs 6-15 of Estes' Complaint in this action.

4. Estes transported and delivered the interstate shipments of freight described in the Complaint and sent freight bills to Hometex for each of those shipments. None of Estes' freight bills has been paid.

5. All of Estes' freight bills and charges were calculated based upon Estes tariffs, duly maintained by Estes in accordance with the requirements of ICC Termination Act of 1995 ("ICCTA").

6. As stated in the Complaint, in spite of Estes' demands for payment, Hometex has failed and refused to pay Estes' freight bills.

7. Estes notified Hometex of the loss of any discounts pursuant to Item 720 of Estes' tariff, as described in paragraphs 10 – 14 of Estes' Complaint; but Hometex nonetheless has not paid anything to Estes.

8. There is now due and owing to Estes from Hometex the sum of \$11,095.70 plus a thirty (30) percent collection fee of \$3,328.71, for a total of \$14,424.41, all in accordance with Estes' interstate freight tariffs, plus interest and costs.

9. I have read the Complaint in this case, and all facts stated therein are true.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 23, 2005.

/s/ David S. Jones

David S. Jones